IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

WP(C).No. 12846 of 2007(D)

PETITIONER:

RUDRANI AMMA,
KAVIL PARAMBIL, PARUMAL, KAPRA,
PATHANAMTHITTA.

BY ADV. SRI.P.VINODKUMAR

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR,
PATHANAMTHITTA.

2. THE TAHASILDAR,
THIRUVALLA TALUK,
PATHANAMTHITTA.

3. THE VILLAGE OFFICER,
KADAPRA VILLAGE,
THIRUVALLA.

4. THE SUPERINTENDENT,
SURVEY & RECORDS,
PATHANAMTHITTA.

BY GOVT.PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO.12846 OF 2007 - D

Dated this the 12th day of April, 2007

J U D G M E N T

The petitioner submits that she is in possession and enjoyment of 14.35 Ares of land comprised in Sy.No.273/10 of Kadapra Village. Since there was a mistake in the re-survey, the petitioner filed Ext.P1 petition before the fourth respondent. Thereafter, the second respondent, by Ext.P2 Notice, initiated proceedings under Section 12 of the Land Conservancy Act for eviction of the petitioner from the land to which the petitioner filed Ext.P3 objection. Now, the petitioner is in a difficult situation whereby without getting the alleged mistake in the re-survey corrected, she would not be in a position to effectively conduct the Land Conservancy Case. In the above circumstances, the petitioner seeks a direction to the fourth respondent to consider and pass appropriate orders on Ext.P1 and to direct the second respondent to keep the Land Conservancy Case in abeyance till the fourth respondent takes a decision on

Ext.P1.

2. I have heard learned counsel for the petitioner as also the learned Government Pleader appearing for the respondents.

3. I find that Ext.P1 application for correction of the alleged mistake in the re-survey is filed as early as on 27.10.2005. Now, Ext.P2 notice is seen issued only on 22.3.2006. When the petitioner has a specific case that her property is shown as 'puramboke land' because of mistake in the re-survey, it is only proper that the second respondent proceeds with the Land Conservancy Case only after the fourth respondent decides as to whether the petitioner's contention regarding the mistake in the re-survey is correct or not.

4. In the above circumstances, the writ petition is disposed of with the following directions:-

I direct the fourth respondent to consider and pass appropriate orders on Ext.P1 as expeditiously as possible, at any rate within a period of one month from the date of receipt of a copy of this judgment, if the

same has actually been received and is pending. Till final orders are passed by the fourth respondent on Ext.P1, the second respondent shall not proceed with L.C.No.4 of 2006 initiated by him by Ext.P2 Notice.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:13-02-2007